



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 2790-00
23 October 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps filed enclosure (1) with this Board requesting, in effect, that his discharge be upgraded.

2. The Board, consisting of Messrs. Harrison, Morgan, and Whitener, reviewed Petitioner's allegations of error and injustice on 11 October 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Marine Corps on 28 January 1956 after seven years of prior honorable service.

d. During Petitioner's period of service he was not the subject of any disciplinary infractions.

e. Subsequently, Petitioner was administratively processed for discharge by reason of unsuitability due to indebtedness. On 2 December 1959 Petitioner received a general discharge.

f. At the time of Petitioner's separation, character of service was based on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Petitioner's only conduct and proficiency marks were 5.0. His fitness reports reflect mostly excellent service. An average mark of 4.0 in conduct was required at the time of his separation for a fully honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board initially notes that Petitioner served without disciplinary infractions in three years of service on his second enlistment. The Board's decision is based on this factor, Petitioner's record, and Petitioner's conduct and proficiency averages. The Board notes that Petitioner's sole conduct mark of 5.0 was more than sufficient for a fully honorable characterization of service. His fitness reports were also good. Accordingly, the Board concludes that relief in the form of recharacterization of Petitioner's discharge is appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably discharged on 2 December 1959 vice issued a general discharge on that date.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.


c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 19 April 2000.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action His fitness reports were also good., taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director